

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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CHAPTER 11

ADVERSARY NO. 20-3395

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COMPREHENSIVE SCHEDULING, PRE-TRIAL & TRIAL ORDER

A pretrial scheduling conference was held on April 5, 2021. The Parties submitted a Rule 26 Report: which is filed at Docket #30 and is accepted by the Court except as modified by this order. Under authority of Fed. R. Bankr. P. 7016 and Fed. R. Civ. P. 16, it is hereby: **ORDERED**: that the following deadlines and settings shall apply in the above referenced adversary:

1. May 3, 2021 any motion requesting the withdrawal of the automatic reference or other relief based on an alleged lack of jurisdiction or a lack of constitutional authority must be filed.
2. May 3, 2021 additional parties must be joined.
3. May 3, 2021, a Notice of Consent or Non-Consent, as required by BLR 7008-1 and 7012-1, to the entry of final orders by the United States Bankruptcy Court on all non-core matters must be filed.
4. January 3, 2022 the party with the burden of proof on an issue must serve its expert reports.
5. January 18, 2022 rebuttal expert reports must be served.
6. February 1, 2022 (“Close of Discovery”) all discovery in this case will close, meaning that Parties must have fulfilled all outstanding requests before Close of Discovery in that Parties must not make requests that cannot be completed before Close of Discovery.
7. March 18, 2022 all Daubert/Dispositive Motions (limited to 20 pages, excluding exhibits), if any, must be filed.

8. April 18, 2022 responses (limited to 15 pages, excluding exhibits), if any, must be filed.
9. April 25, 2022, a reply (limited to 7 pages, excluding exhibits) to the response, if any, must be filed.
10. May 2, 2022, a sur-reply (limited to 7 pages, excluding exhibits) to the responding party's response, if any, must be filed.
11. May 17, 2022, Witness and Exhibit Lists must be exchanged. Copies of the exhibits must be attached to the Witness & Exhibit List. Plaintiff's Exhibits are to be designated beginning with the letter "P" followed by a number, i.e. P1, P2, etc. Defendant's Exhibits are to be designated beginning with the letter "D" followed by a number i.e. D1, D2, etc.
12. May 20, 2022, Counsel must meet face to face to attempt to resolve these issues amicably, to attempt to stipulate to as many facts and issues as possible, and to prepare the pretrial order. The court intends that this will be a substantive, good faith effort to resolve issues. Therefore, trial counsel (lead counsel) are required to attend this meeting in person. Counsel who are not present at this meeting may not be permitted to participate in the trial.
13. June 3, 2022, the Parties must jointly prepare and file a proposed form of pretrial order. The proposed form of order must be signed by counsel for all Parties and must provide the following:
 - a. Concise statement of nature of the dispute;
 - b. Statement as to jurisdiction;
 - c. Stipulation of facts in ascending order by date and citations to the record and/or exhibits;
 - d. Stipulation of agreed issues of law;
 - e. Stipulation of disputed issues of facts in ascending order by date and citations to the record and/or exhibits;
 - f. Stipulation of disputed issues of law;
 - g. Proposed findings of fact and conclusions of law;
 - h. List of witnesses to be called at trial for each party;
 - i. Designation of witnesses to be presented by deposition;
 - j. For each party, attach a Witness and Exhibit List along with exhibits to be used at trial. Each Witness and Exhibit List along with exhibits must conform to Section VII, Part 2 of the Court's procedures;
 - k. Pending motions that need to be addressed;
 - l. Estimate of time needed for trial of this adversary;
 - m. Certificate of conference along with signatures of all counsel;
 - n. Signature block for Judge Rodriguez.
14. July 11, 2022 at 2:30 p.m. (Central Standard Time) a Pre-Trial Conference will be held at the United States Bankruptcy Court, Bob Casey Federal Building, Courtroom No. 402, 515 Rusk Ave. Houston Texas 77002. Attendance by all Parties is required, either in person (if not represented by counsel) or by an attorney who has authority to bind the Party. Each

Party must have a representative present with full settlement authority.

- a. To participate electronically, parties must follow the instructions set forth on Judge Rodriguez's web page located at: <https://www.tx.uscourts.gov/content/united-states-bankruptcy-judge-eduardo-v-rodriguez>. Parties are additionally instructed: (i) the dial-in-number for hearings before Judge Rodriguez is 712.775.8972 and the conference room number is 999276; and (ii) for video appearances and witness testimony, parties are to utilize the **GoToMeeting** web-based application and enter conference code: judgerodriguez.

15. Trial date to be determined at the pre-trial conference.
16. Changes to this Scheduling Order may only be made by further order of the Court. A motion to extend any deadline and/or alter any hearing date will only be granted for good cause shown beyond the control of the lawyers and/or Parties and only in very limited circumstances.

SIGNED April 5, 2021



Eduardo Rodriguez
United States Bankruptcy Judge